



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Hermantown, Minnesota *County: St. Louis
(city, county, municipality, government agency or other entity)

*Mailing address: 5105 Maple Grove Road

*City: Hermantown *State: MN *Zip code: 55811

*Phone (including area code): 218-729-3600 *E-mail: afulton@hermantownmn.com

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Fulton *First name: Adam
(department head, MS4 coordinator, consultant, etc.)

*Title: Community Development Director

*Mailing address: 5105 Maple Grove Road

*City: Hermantown *State: MN *Zip code: 55811

*Phone (including area code): 218-729-3618 *E-mail: afulton@hermantownmn.com

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: _____ First name: _____
(department head, MS4 coordinator, consultant, etc.)

Title: _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone (including area code): _____ E-mail: _____

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Adam Fulton

(This document has been electronically signed)

Title: Community Development Director Date (mm/dd/yyyy): 01/13/2014

Mailing address: 5105 Maple Grove Road

City: Hermantown State: MN Zip code: 55811

Phone (including area code): 218-729-3600 E-mail: afulton@hermantownmn.com

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Regional Stormwater Protection Team (RSTP)	1, 2, 3, 6

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

The Regional Stormwater Protection Team meets on a monthly basis to coordinate and share information to protect and enhance the region's shared water resources. The RSPT provides a forum to coordinate educational programs, provide technical support and assistance, and to resolve issues of mutual concern on a watershed scale. The Memorandum of Understanding is available for PCA review upon request.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language
☒ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City of Hermantown Code of Ordinances, Section 1070, "Illicit Discharge and Connection to the Storm Drainage System."

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City of Hermantown Code of Ordinances, Section 1060, "Erosion and Sediment Control for Land Disturbance Activities."

Direct link:

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Revisions to the Ordinance will be brought before the Hermantown City Council for consideration within 12 months of the date permit coverage is extended to address BMPs for dewatering activities, site inspections and records of rainfall events, and management of solid and hazardous wastes on each project site.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

Revisions to the Ordinance will be brought before the Hermantown City Council for consideration within 12 months of the date permit coverage is extended to address BMPs for dewatering activities, site inspections and records of rainfall events, and management of solid and hazardous wastes on each project site.

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language

☒ Policy/Standards ☐ Permits

☐ Rules

☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City of Hermantown Code of Ordinances, Section 1080, "Control of Post-Construction Stormwater Runoff."

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
 - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).
 - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
 - a. Limitations
 - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
 - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow ☐ Yes ☒ No

exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:

- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
- f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No

5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

Revisions to the Ordinance will be brought before the Hermantown City Council for consideration within 12 months of the date permit coverage is extended to create new conditions to comply with requirements for post construction stormwater management, important limitations and exceptions for management, and mitigation provisions.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:
The City will develop a program for Enforcement Response with the assistance from the Regional Stormwater Protection Team. The City currently practices Enforcement Response as needed and as staff is available, and does not have a written procedure. A written procedure will be developed within 12 months of extension of permit coverage.

B. Describe your ERPs:

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

City staff manages the storm sewer system map and inventory. There are adequate resources in-house at the City of Hermantown to manage such maps, and contractors are used only as needed.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☐ Yes ☒ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

City Staff is presently working to complete mapping for all pipes 12" or greater in diameter. The City plans to complete mapping of the storm sewer system, including all pipes 12" or greater in diameter, within 12 months of the extension of permit coverage.

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172, Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☐ Yes ☒ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The pond inventory for all ponds constructed and operated for purposes of water quality treatment, stormwater detention, and flood control is partially complete. The maps are being continually updated and existing unmapped facilities are being added on a regular basis. Updates to the maps to incorporate missing elements listed in C1 above will be completed within 12 months of the extension of permit coverage.

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within

12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

Improvements to construction site conditions and a reduction in non-point illicit discharges are the primary targets for education at this time.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Educational brochures & flyers	Timeframe: Mailed annually Measurable Goal: Number of brochures distributed regionally.
General education programs / public education and outreach, public participation, IDDE, construction site management, pollution prevention & good housekeeping	Timeframe: Annually complete radio spots; television spots; distribute brochures; hold educational events with Council and Commissions; conduct technical workshops Measurable Goal: Total input obtained; number of advertisements aired; attendance levels and participation at educational events
Coordination	Timeframe: Monthly participation in RSPT Measurable Goal: Attendance
BMP categories to be implemented	Measurable goals and timeframes
General education programs / outreach to Hermantown Public Schools	Timeframe: Annually Measurable Goal: Number of students reached annually
Online information	Timeframe: Annually Measurable Goal: Number of pages reviewed and revised or added

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Adam Fulton, Community Development Director

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The current program complies with the requirements of the prior MS4 general permit. Existing activity does not include an online participation component, a new goal for the 2014 update.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual meeting	Timeframe: Annually Measurable Goal: Number of attendees; total comments received; summary presented to Council and Planning Commission
BMP categories to be implemented	Measurable goals and timeframes
Table display at community events	Timeframe: Annually Measurable Goal: Number of community events reached annually
Online outreach	Timeframe: Annually Measurable Goal: Number of hits on website; online comments received
Evaluate potential for a volunteer stream monitoring program	Timeframe: Annually Measurable Goal: Number of volunteers participating; number of monitoring sites created
Evaluate potential for a storm drain stenciling program	Timeframe: Annually Measurable Goal: Number of volunteers participating; number of storm drains stenciled

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Adam Fulton, Community Development Director

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

The City adopted an ordinance prohibiting illicit discharges into its storm drainage system in January 2008. Inspection of facilities for detection of illicit discharges in much of the city is handled by Public Works and Building Inspections staff, done on a regular basis throughout the city, with a focus on sites where complaints are made.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?
- Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
 - Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
 - Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☒ Yes ☐ No
 - Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☒ Yes ☐ No

- e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☒ Yes ☐ No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☒ Yes ☐ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

At the present time, the ordinance Section 1070.14, "Enforcement," dictates the enforcement response procedures to be followed by city staff. The procedures of the ordinance are effective, and will be supplemented with additional detail after review by staff. The City will develop these written procedures for use in the field for addressing illicit discharges within 12 months of permit coverage being extended.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Timeframe: Within 12 months of permit coverage Measurable Goal: Modify as necessary
Illicit discharge detection and elimination plan	Timeframe: Within 12 months of permit coverage Measurable Goal: Review Illicit Discharge Detection and Elimination Guide
Identify non-stormwater discharges and flows	Timeframe: Within 12 months of permit coverage Measurable Goal: Review baseline of stream quality; identify non-stormwater discharges; partner with non-city organizations
BMP categories to be implemented	Measurable goals and timeframes
Map and Inventory	Timeframe: Within 12 months of permit coverage Measurable Goal: Map all City MS4 infrastructure in compliance with MS4 permit
Training	Timeframe: Annually Measurable Goal: Create new training events for identification of illicit discharges
Enforcement Response Procedures	Timeframe: Within 12 months of permit coverage Measurable Goal: Build upon existing Ordinance-based Enforcement Response Procedures

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

Procedures for maintaining a record related to illicit discharges will be developed through a partnership between the City's Community Development and Public Works Departments within 12 months of the date permit coverage is extended.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Adam Fulton, Community Development Director

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The city's Building Official proactively manages all construction sites in the city. All components are inspected on a regular basis throughout the construction process.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
 - a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
 - b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
 - c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
 - d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? ☒ Yes ☐ No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
 - e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
 - f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
 - g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

The City will develop written procedures for addressing enforcement response consistent with the permit within 12 months of permit coverage being extended.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Timeframe: Within 12 months of permit coverage Measurable Goal: modify as needed
Inspections of construction sites	Timeframe: Annually Measurable Goal: Follow written procedures for inspection of construction sites; Percentage of total open construction sites inspected monthly
BMP categories to be implemented	Measurable goals and timeframes
Development process education	Timeframe: Annually Measurable Goal: Percentage of total number of developers engaged during the development process annually
Enforcement Response Procedures	Timeframe: Within 12 months of permit coverage Measurable Goal: Create written Enforcement Response Procedures for violations of the ordinance or policies

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Adam Fulton, Community Development Director

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

Inspections of post-construction stormwater management practices are completed on a rolling basis throughout the city beginning at the start of each growing season.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☒ Yes ☐ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

Please note that the City has not authorized any mitigation projects and does not anticipate authorizing any mitigation projects in the near future.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Timeframe: Within 12 months of permit coverage Measurable Goal: Modify as needed; Include LID criteria
Wetland Plan	Timeframe: Within 12 months of permit coverage Measurable Goal: Review and maintain the Hermantown Comprehensive Wetland Plan
Inspections; Best Management Practices	Timeframe: Annually Measurable Goal: Inspect approved stormwater facilities and BMPs on a rolling basis, annually. Maintain proper erosion control and stormwater protection on completed construction projects.
BMP categories to be implemented	Measurable goals and timeframes
Inspection procedures	Timeframe: Within 12 months of permit coverage Measurable Goal: Update inspection procedures

Structural/non-structural BMPs	Timeframe: Within 12 months of permit coverage Measurable Goal: Adopt a policy for vegetative cover on development sites; review wetland inventory and revise as needed
Citywide review of new sites for erosion problems resulting from prior urbanization	Timeframe: Annually Measurable Goal: Total area inspected
Enforcement Response Procedures	Timeframe: Within 12 months of permit coverage Measurable Goal: Create written Enforcement Response Procedures for violations of the ordinance or approved stormwater management plans
Pond monitoring	Timeframe: Annually Measurable Goal: Inspect existing ponds to track sedimentation. Report on total depth loss in individual ponds annually.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Adam Fulton, Community Development Director

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The city works on an on-going basis to conduct all municipal operations consistent with Best Management Practices at all city owned or operated facilities, with a particular focus on the Civic Center Campus and the Public Works facility.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☒ Yes ☐ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal operations and maintenance program	Timeframe: Within 12 months of permit coverage Measurable Goal: Meet requirements of MS4 permit
Street sweeping	Timeframe: Annually Measurable Goal: Identify priority areas for sweeping; mechanically sweep prior to 5/30 each year.
Annual inspection of all city infrastructure, including catch basins, stormwater ponds, and exposed stockpiles	Timeframe: Annually Measurable Goal: Total number of inspections conducted annually
BMP categories to be implemented	Measurable goals and timeframes
Annual inspection of all MS4 outfalls	Timeframe: Annual inspections. Measurable Goal: Total number of outfalls inspected annually

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☐ Yes ☒ No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☐ No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☐ No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☒ Yes ☐ No
- b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The permit requirements from Questions 5-9 will be reviewed immediately by the City and will be addressed within 12 months of the date permit coverage is extended.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Adam Fulton, Community Development Director

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No
1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

Section 1070 - Illicit Discharge and Connection to the Storm Drainage System

1070.01 Purpose. The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the City of Hermantown through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

1070.01.01. To regulate the contribution or potential contribution of pollutants to the MS4 by any user;

1070.01.02. To prohibit illicit discharges and connections to the MS4; and

1070.01.03. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

(Ord. 2007-06, passed 1-7-08)

1070.02 Definitions. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

1070.02.01. "Best Management Practices or (BMPs)" are schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sewage or water disposal or drainage from raw materials storage.

1070.02.02. "Clean Water Act" is the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

1070.02.03. "Construction Activity" is any activity subject to an NPDES Construction Stormwater Permit or any activity subject to a Hermantown land alteration permit.

1070.02.04. "Greywater" is liquid waste from a residence or other establishment produced by bathing, laundry, culinary operations and from floor drains associated with these sources, but specifically excluding toilet waste.

1070.02.05. "Hazardous Material" is any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or

potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

1070.02.06. "Illicit Discharge" is any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 1070.07.02.

1070.02.07. "Illicit Connection" is any of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater and greywater to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain(s) or connection(s) had been previously allowed, permitted, or approved by the City of Hermantown or;

Any drain or conveyance connected from a commercial or industrial land use to the MS4 that has not been documented in plans, maps, or equivalent records and approved by the City of Hermantown.

1070.02.08. "Industrial Activities" are activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

1070.02.09. "Municipal Separate Stormwater Sewer System (MS4)" includes municipally owned facilities where stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

1070.02.10. "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" is a permit issued by the U.S. Environmental Protection Agency (or the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

1070.02.11. "Non-Stormwater Discharge" is any discharge to the MS4 that is not composed entirely of stormwater.

1070.02.12. "Person" is any individual, association, organization, partnership, limited liability company, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

1070.02.13. "Pollutant" is anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes;

sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; sediment resulting from soil erosion; and noxious or offensive matter of any kind.

1070.02.14. "Premises" is any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking areas.

1070.02.15. "Sewage" is waste and wastewater discharged from residences, business buildings, institutions, and industrial establishments.

1070.02.16. "Stormwater" is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

1070.02.17. "Stormwater Pollution Prevention Plan or SWPPP" is a document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, the MS4, and/or receiving waters to the maximum extent practicable.

1070.02.18. "Wastewater" is any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

1070.02.19. "Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof, as defined in M.S. Section 115.01, subd. 22.

(Ord. 2007-06, passed 1-7-08)

1070.03 Applicability. This section shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by the City of Hermantown.

(Ord. 2007-06, passed 1-7-08)

1070.04 Responsibility For Administration. The City of Hermantown shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the City of Hermantown may be delegated to persons or entities acting in the beneficial interest of or in the employ of the City.

(Ord. 2007-06, passed 1-7-08)

1070.05 Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

(Ord. 2007-06, passed 1-7-08)

1070.06 Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. 2007-06, passed 1-7-08)

1070.07 Prohibition of Illicit Discharges.

1070.07.01. No person shall discharge or cause to be discharged into the MS4 anything other than stormwater, including but not limited to pollutants or waters containing any pollutants that may impede the natural flow of stormwater or the functionality of the MS4 or that cause or contribute to a violation of applicable water quality standards.

1070.07.02. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as follows:

1070.07.02.01. Discharges related to water line flushing or water from other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated-typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.

1070.07.02.02. Discharges specified in writing by the City of Hermantown as being necessary to protect public health and safety.

1070.07.02.03. Dye testing is an allowable discharge, but requires a verbal notification to the City of Hermantown prior to the time of the test and the dye used must be nonhazardous.

1070.07.02.04. The prohibitions contained in this section shall not apply to any non-stormwater discharge permitted under a City permit or an NPDES permit, specific written waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency or the Minnesota Pollution Control Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the discharge to the MS4.

(Ord. 2007-06, passed 1-7-08)

1070.08 Prohibition of Illicit Connections.

1070.08.01. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

1070.08.02. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

1070.08.03. A person is considered to be in violation of this section if the person connects a line conveying sewage, process wastewater, or greywater to the MS4, or allows such a connection to continue.

(Ord. 2007-06, passed 1-7-08)

1070.09 Suspension Of MS4 Access.

1070.09.01 Suspension due to Illicit Discharges in Emergency Situations. The City of Hermantown may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the City of Hermantown may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

1070.09.02 Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this section may have his/her/its access terminated if such termination would abate or reduce an illicit discharge. The City of Hermantown will notify a violator of the proposed termination of its MS4 access.

A person commits an offense if the person reinstates MS4 access to a premise terminated pursuant to this Section, without the prior approval of the City of Hermantown.

(Ord. 2007-06, passed 1-7-08)

1070.10 Industrial Or Construction Activity Discharges. Any person subject to an industrial or construction activity NPDES stormwater discharge permit or City land alteration permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Hermantown prior to allowing discharges to the MS4.

(Ord. 2007-06, passed 1-7-08)

1070.11 Monitoring Of Discharges.

1070.11.01 Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

1070.11.02 Access to Facilities.

1070.11.02.01. The City of Hermantown shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Hermantown.

1070.11.02.02. Facility operators shall allow the City of Hermantown ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit, City land alteration permit or any permit issued by the City pursuant to this section to discharge stormwater, and the performance of any additional duties as defined by City, state and federal law.

1070.11.02.03. The City of Hermantown shall have the right to set up, on any permitted facility, such devices as are necessary, in the opinion of the City of Hermantown, to conduct monitoring and/or sampling of the facility's stormwater discharge.

1070.11.02.04. The City of Hermantown has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at the discharger's expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

1070.11.02.05. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Hermantown and shall not be replaced. The costs of clearing such access shall be borne by the operator.

1070.11.02.06. Unreasonable delays in allowing the City of Hermantown access to a facility is a violation of a stormwater discharge permit and of this section. A person who is the operator of a facility with a NPDES permit or any City land alteration permit or any permit issued by the City pursuant to this section to discharge stormwater associated with industrial activity commits an offense if the person denies the City of Hermantown reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

1070.11.02.07. If the City of Hermantown has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Hermantown may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 2007-06, passed 1-7-08)

1070.12 Requirement to Prevent, Control, and Reduce Pollutants in Stormwater by the Use of Best Management Practices ("BMPs"). The owner or operator of a commercial or industrial establishment shall provide, at his/her/its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a SWPP as necessary for compliance with requirements of the NPDES permit.

(Ord. 2007-06, passed 1-7-08)

1070.13 Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the state said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Hermantown in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Hermantown within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 2007-06, passed 1-7-08)

1070.14 Enforcement.

1070.14.01 Notice of Violation. Whenever the City of Hermantown finds that a person has violated a prohibition or failed to meet a requirement of this section, the City of Hermantown may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1070.14.01.01. The performance of monitoring, analyses, and reporting;

1070.14.01.02. The elimination of illicit connections or discharges;

1070.14.01.03. That violating discharges, practices, or operations shall cease and desist;

1070.14.01.04. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

1070.14.04.05. The implementation of source control or treatment BMPs;

1070.14.02. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

1070.14.03 Enforcement Measures. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then representatives of the City may take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. The remedies available to the City shall include:

1070.14.03.01. Criminal prosecution;

1070.14.03.02. Injunctive relief pursuant to Section 1070.14.05 of this section;

1070.14.03.03. Collection of administrative and remediation costs, including attorney's fees, court costs, sampling and monitoring costs, and other expenses associated with enforcement of this section;

1070.14.03.04. Imposition of costs of abatement pursuant to Section 1070.14.04 of this section;

1070.14.03.05. Enforcing the provisions of Section 1070.14.07 of this section.

1070.14.04 Cost of Abatement of the Violation. After abatement of the violation, the owner of the property will be notified of the cost of abatement, including attorney's fees and administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten calendar days with the City Clerk of the City. If the amount due is not paid by the deadline set forth by the decision of the City Council, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

1070.14.05 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated or continues to violate the provisions of this section, the City of Hermantown may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

1070.14.06 Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the City of Hermantown may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

1070.14.07 Violations Deemed A Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

1070.14.08 Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Hermantown to seek cumulative remedies.

(Ord. 2007-06, passed 1-7-08)

Section 1060 - Erosion and Sediment Control for Land Disturbance Activities

1060.01 Purpose. The purpose of this section is to establish standards and specifications to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health and safety of the citizens of the City.

(Am. Ord. 2009-05, passed 12-7-09)

1060.02 Scope. This section establishes standards for erosion and sediment control associated with land disturbance activities within the City.

(Am. Ord. 2009-05, passed 12-7-09)

1060.03 Definitions. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

1060.03.01. "Abbreviated erosion and sediment control plan" or "AESC plan" is an ESC plan that is prepared by completing a form provided by the City. An AESC plan may be completed by an applicant or landowner and does not need professional certification.

1060.03.02. "Applicant" is any person who submits an application to the City for a permit pursuant to this chapter.

1060.03.03. "Best management practices" or "BMPs" are erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed and other management practices published by state or designated area-wide planning agencies. Examples of BMPs can be found in the current versions of: the Minnesota Pollution Control Agency's publications "Protecting Water Quality in Urban Areas," "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands" and the "Minnesota Storm Water Manual;" the Metropolitan Council's "Minnesota Urban Small Sites BMP Manual;" the United States Environmental Protection Agency's "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices" and the Minnesota Department of Transportation's "Erosion Control Design Manual."

1060.03.04. "Borrow" is earth material used in filling or grading on a site.

1060.03.05. "City" is the City of Hermantown.

1060.03.06. "City Administrator" is the City Administrator designated from time to time by the City Council.

1060.03.07. "City Attorney" is the City Attorney designated from time to time by the City Council.

1060.03.08. "City Clerk" is the City Clerk as designated from time to time by the City Council.

1060.03.09. "City Council" is the City Council of Hermantown.

1060.03.10. "City Engineer" is the City Engineer designated from time to time by the City Council.

1060.03.11. "Clearing and grubbing" is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots and other remains in the designated areas.

1060.03.12. "Demolition" is any act or process of wrecking or destroying a building or structure.

1060.03.13. "Erosion" is the wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.

1060.03.14. "Erosion control" is a measure employed to prevent soil erosion. Erosion control methods include, but are not limited to, stabilizing soil with temporary or permanent vegetation, mulch or erosion control blankets, construction phasing, vegetative buffer strips and limiting the area of impact.

1060.03.15. "Erosion and sediment control plan" or "ESC plan" is a written plan that includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in this section. An ESC plan must either be professionally-prepared or abbreviated, in accordance with Section 1060.07.

1060.03.16. "Erosion Control Inspector" is an employee, consultant, contract agency or individual who has been designated by the City Administrator to perform erosion and sediment control inspections at land disturbance sites in the City of Hermantown.

1060.03.17. "Excavation" is the mechanical removal of earth material.

1060.03.18. "Fill" is a deposit of soil or other materials placed by artificial means.

1060.03.19. "Grading" is any excavating, filling or combination thereof.

1060.03.20. "Issuing Authority" is the employee, consultant, contract agency or individual who has been designated by the City Administrator to issue a permit for a project involving a land disturbance activity.

1060.03.21. "Land" is the parcel(s) of real estate upon which a land disturbance activity is conducted.

1060.03.22. "Land alteration permit" is a permit issued by the Zoning Director pursuant to Section 1060.13.

1060.03.23. "Land disturbance activity" is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands or rights-of-way within the City of Hermantown, including, but not limited to, building construction or demolition, clearing and grubbing, stripping, grading, excavating, filling of land and soil storage on land.

1060.03.24. "Landowner" is the legal or beneficial owner of the land upon which the land disturbance activity is conducted.

1060.03.25. "National pollutant discharge elimination system permit" or "NPDES permit" is a permit issued by the U.S. Environmental Protection Agency (or the State of Minnesota under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

1060.03.26. "One hundred (100) year floodplain" is that area adjoining a watercourse which could be inundated by a flood that has a 1% chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency floodway maps for Hermantown.

1060.03.27. "Permit" is any permit issued by the City authorizing a land disturbance activity.

1060.03.28. "Permittee" is a person or entity in whose name a permit is duly issued for a land disturbance activity and his or her agents, employees and others acting under his or her direction.

1060.03.29. "Perimeter control" is a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

1060.03.30. "Phasing" is the clearing of land in distinct phases, with the stabilization of each area completed before the clearing of the next.

1060.03.31. "Professional engineer" is an individual who is licensed and registered to practice engineering in the State of Minnesota.

1060.03.32. "Professionally-prepared erosion and sediment control plan" or "PESC plan" is an ESC plan that is prepared and certified by a professional engineer who is knowledgeable on

the topic of erosion and sediment control BMPs, or another qualified individual acceptable to the Issuing Authority.

1060.03.33. "Project" is the entire land disturbance activity conducted on a site. A single project may involve multiple, separate and distinct land disturbance activities that take place at different times on different schedules and on more than one parcel of land.

1060.03.34. "Retention basin" is a temporary or permanent structure that provides for the storage of stormwater runoff and settling of sediments and has a permanent pool of water.

1060.03.35. "Runoff" is rainfall, snowmelt or other water flowing over the ground surface.

1060.03.36. "Sediment" is soils or other surficial materials transported by surface water as a product of erosion.

1060.03.37. "Sediment control" is a method employed to prevent eroded sediment from leaving a land disturbance site. Sediment control practices include, but are not limited to, silt fences, sediment logs, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, storm drain inlet protection and temporary or permanent sediment basins.

1060.03.38. "Sedimentation" is the process or action of deposition sediment that is determined to have been caused by erosion.

1060.03.39. "Site" is the land upon which a land disturbance activity is conducted.

1060.03.40. "Site plan" is a plan or set of plans showing the details of any land disturbance activity including, but not limited to, the construction of: structures, open, underground and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, landscaping and any grading activities.

1060.03.41. "Slope" is the incline of a ground surface expressed as a ratio of vertical distance to horizontal distance.

1060.03.42. "Soil" is naturally occurring surficial deposits overlying bedrock.

1060.03.43. "Soils engineer" or "geotechnical engineer" is a professional engineer experienced and knowledgeable in the practice of soils engineering.

1060.03.44. "Soils engineering" or "geotechnical engineering" is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

1060.03.45. "Stabilized" means the disturbed ground surface is fully and uniformly covered by a material that effectively prevents erosion from occurring, with no bare soil exposed. Such

materials include, but are not limited to, vegetation, mulch, staked sod, riprap, erosion control blankets, mats, hydromulch and tackifier.

1060.03.46. "Stripping" is any activity that removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

1060.03.47. "Structure" is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots and paved storage areas.

1060.03.48. "Topsoil" is the upper layer of soil.

1060.03.49. "Utility" is any infrastructure used to produce, store, convey, transmit or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water (including stormwater), steam, sewage and other similar substances.

1060.03.50. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

1060.03.51. "Wetland" means transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, a "wetland" must: have a predominance of hydric soils; be inundated or saturated by surface water or groundwater at a frequency and duration to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions and, under normal circumstances, support a prevalence of hydrophytic vegetation.

1060.03.52. "Zoning Director" is such person as is appointed as the Zoning Director of the City by the City Council from time to time.

(Am. Ord. 2009-05, passed 12-7-09)

1060.04 Liability and Relation to other laws. Neither this Section [1060](#) nor any administrative decision made under it exempts the permittee, landowner or any other person from procuring other required permits or complying with the requirements and conditions of such a permit, or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the permittee or any other person arising from the activity regulated by this Section [1060](#). The permittee and landowner are jointly and severally responsible for safely and legally completing the project. Neither the approval of a plan under the provisions of this Section [1060](#), nor the compliance with the provisions hereto or with any condition imposed by the Issuing Authority, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City for damages to persons or property.

(Am. Ord. 2009-05, passed 12-7-09)

1060.05 Exemptions The following activities are exempt from the plan approval and permitting provisions of this Section [1060](#):

1060.05.01. Emergency work to protect life, limb or property and emergency repairs. If the land disturbing activity would have required an approved PESC or AESC plan except for the emergency, then, as soon as possible after the emergency is done, the land area disturbed shall be stabilized in accordance with the requirements of this Section [1060](#).

1060.05.02. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

1060.05.03. Construction, installation and maintenance of utility lines (electric, telephone, cable television, water, sewer and gas) or individual service connections to these utilities, unless one acre or more is impacted.

1060.05.04. Installation of septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system.

1060.05.05. Tilling, planting or harvesting of agricultural, horticultural or silviculture crops.

1060.05.06. Land disturbance activities impacting less than one-half acre and/or involving placement of less than 75 cubic yards of fill material for which a PESC plan or AESC plan is not required under this Section [1060](#).

(Am. Ord. 2009-05, passed 12-7-09)

1060.06 Manner of Work. Any land disturbance activity whether subject to this Section [1060](#) or otherwise, shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation. Whenever the Erosion Control Inspector determines that any land disturbance activity on any private property has become a hazard to life or limb, or endangers the property of another, or adversely affects the safety, use, slope or soil stability of a public road, publicly controlled wetland or watercourse, then the landowner of the property upon which the land disturbance activity is located, or other person or agent in control of the property, upon receipt of notice in writing, shall within the period specified therein repair or eliminate such conditions. Exempt activities under Section 1060.05 are also subject to the provisions of this section and Section 1060.20.

(Am. Ord. 2009-05, passed 12-7-09)

1060.07 Erosion and Sediment Control Plan Required. A PESC or AESC plan that identifies the materials, methods and practices to be used to meet the requirements of this Section [1060](#) must be submitted to the Issuing Authority for review and approval before any City permit is issued for a project subject to the provisions of this section. The plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water

resources and measures proposed to minimize soil erosion and off-site sedimentation. Plans are required as follows:

1060.07.01. Projects Disturbing One-Half Acre or More. A PESC plan is required for any land disturbance activity disturbing one-half acre or more. This applies to all commercial, institutional, industrial and residential projects. The plan shall be prepared in accordance with Section 1060.09. If such construction activities are part of a larger common plan of development or site disturbing one acre or more, the permittee must also obtain an NPDES permit from the Minnesota Pollution Control Agency and comply with all requirements contained therein.

1060.07.02. Projects Disturbing Less Than One-Half Acre. For land disturbance activities impacting less than one-half acre, a PESC or AESC plan is required in accordance with this section. If such construction activities are part of a larger common plan of development or site disturbing one acre or more, the permittee must also obtain an NPDES permit from the Minnesota Pollution Control Agency and comply with all requirements contained therein.

1060.07.02.01. An AESC plan, prepared in accordance with Section 1060.10, is required for the construction of new homes, multi-family dwellings and commercial buildings of any size.

1060.07.02.02. An AESC plan, prepared in accordance with Section 1060.10, is required for the construction of new garages, accessory structures or additions 400 square feet or more in size. An AESC plan may also be required for smaller structures if the Issuing Authority determines it is necessary based on the nature of the project and site conditions.

1060.07.02.03. A PESC or AESC plan may be required for any project subject to a land alteration permit, wetland replacement plan, de minimus exemption, special use permit or any other City permit or authorization, if the Issuing Authority determines it is necessary based on the nature of the project and site conditions.

(Am. Ord. 2009-05, passed 12-7-09)

1060.08 Erosion and Sediment Control Plan Approval. In accordance with Section 1060.07, a PESC or AESC plan must be submitted for review and approval before a project is authorized and before any land disturbing activities begin. Prior to plan approval, the Issuing Authority may require an onsite pre-construction meeting with the applicant, landowner, contractor and/or their agents to better assess field conditions and the adequacy of a submitted PESC or AESC plan. No City permit will be issued for any land disturbing activity for which a PESC or AESC plan is required without an approved PESC or AESC plan.

1060.08.01. If the Issuing Authority determines that a PESC or AESC plan does not meet the requirements of this Section [1060](#), he or she shall notify the applicant in writing. The PESC or AESC plan must then be revised and resubmitted for review and approval. No permit will be issued for the project until the PESC or AESC plan is approved.

(Am. Ord. 2009-05, passed 12-7-09)

1060.09 Professionally-Prepared Erosion and Sediment Control Plan. A PESC plan must be prepared and certified by a professional engineer or another qualified individual acceptable to the Issuing Authority. The PESC plan shall incorporate measures sufficient to meet the requirements of Section 1060.12. At a minimum, the information listed below must be included in the PESC plan.

1060.09.01. Narrative Description. The narrative description of the project shall include:

1060.09.01.01. The names, addresses and telephone numbers of the landowner, the applicant, the person responsible for executing the plan during construction and the person who prepared the plan.

1060.09.01.02. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).

1060.09.01.03. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).

1060.09.01.04. An estimate of the impervious area and percent of imperviousness created by the land disturbance activity.

1060.09.01.05. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site that may result from previous contamination caused by prior land uses.

1060.09.01.06. A description of prior land uses at the site.

1060.09.01.07. A description of wetlands, streams and other surface waters within one mile of the project boundaries, which will be disturbed or which will receive stormwater runoff discharges from disturbed areas of the project.

1060.09.01.08. A chronological implementation schedule which describes the sequence of major soil disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the corresponding erosion and sediment controls to be employed during each step of the sequence. The schedule must provide for stabilization of exposed soils within seven days of inactivity.

1060.09.01.09. A description of, and specifications for, all temporary and permanent erosion and sediment control measures to be implemented throughout construction, from ground breaking through final stabilization, including: construction phasing, erosion control methods and materials, dewatering methods, inlet protection methods, perimeter controls, stockpile controls, sediment retention structures, temporary and permanent vegetative controls, seeding mixture and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of fertilizer application and quantity and type of mulch. Estimated quantities and costs for all materials shall be included.

1060.09.01.10. A description of practices to be implemented for management of solid and liquid wastes and concrete washout.

1060.09.02. Site Map. The site map shall show:

1060.09.02.01. The location of the project site in relationship to the surrounding area, including streams, wetlands, lakes, roads and other significant structures and geographic features.

1060.09.02.02. Limits of land disturbance activity, including off-site spoil and borrow areas.

1060.09.02.03. Clear delineation of any areas not to be disturbed (such as wetlands, required buffer areas or other areas of vegetation or trees to be saved).

1060.09.02.04. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.

1060.09.02.05. Contours for existing and proposed topography. Dividing lines and direction of flow for all pre- and post-construction stormwater runoff drainage areas within the project limits must be included.

1060.09.02.06. Locations of wetlands, streams, lakes, water wells, the 100-year floodplain and any other significant water features on or adjacent to the site.

1060.09.02.07. Storm drainage system, including natural or artificial water storage detention areas and drainage ditches. Quantities of flow and site conditions around all points of surface water discharge from the site shall be included.

1060.09.02.08. Existing and planned locations of buildings, roads, parking facilities and utilities.

1060.09.02.09. The locations of all erosion and sediment control practices, including areas designated for stockpiles and areas likely to require temporary stabilization during the course of site development.

1060.09.02.10. Sediment ponds, including their sediment settling volume and contributing drainage area.

1060.09.02.11. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for concrete washout and vehicle fueling.

1060.09.02.12. The location of designated stoned construction entrances where the vehicles will enter and exit the construction site.

1060.09.02.13. The location of any in-stream activities including stream crossings.

1060.09.02.14. For subdivided developments where the PESC plan does not call for a centralized sediment control capable of controlling multiple individual lots, a detailed drawing of a typical individual lot showing standard individual lot erosion and sediment control practices may also be required.

1060.09.03. Soils Engineering Report. A soils engineering report prepared by a qualified soils engineer may be required if the Issuing Authority determines that the condition of the soils is unknown or unclear to the extent that additional information is required to protect against erosion or other hazard. The report shall be based on adequate and necessary test borings and shall contain data regarding the nature of the soils at the site as well as recommendations for grading procedures and stabilization measures. Appropriate measures shall be incorporated in the project's grading plans and/or specifications based on the results of the report.

1060.09.04. Signed Statement. The applicant must provide a signed statement that the proposed land disturbing activities will be done pursuant to the PESC plan. If the applicant is not the landowner, then both parties must provide a signed statement.

1060.09.05. Verification of NPDES Permit Coverage. For any project subject to the NPDES permit, the applicant may also be required to provide copies of documents such as the NPDES permit application and/or the permit modification form to demonstrate that proper NPDES permit coverage has been obtained.

(Am. Ord. 2009-05, passed 12-7-09)

1060.10 Abbreviated Erosion and Sediment Control Plan. An AESC plan is prepared by completing a form provided by the City. An AESC plan may be completed by the applicant or landowner and does not need professional certification. An AESC plan must provide the following information:

1060.10.01. The names, addresses and telephone numbers of the applicant and the landowner.

1060.10.02. A description of the project including location, area to be disturbed and the type of project (e.g., new home construction, fill project, etc.).

1060.10.03. Materials and methods to be used for erosion and sediment control (including soil stabilization, perimeter control, entrance stabilization and inlet protection method) and waste control (including solid waste and concrete washout). Additional information may be required if deemed necessary by the Issuing Authority.

1060.10.04. A site plan showing the limits of disturbance, grade, property boundaries, existing and proposed structures, surface waters and the locations of all erosion and sediment control devices.

1060.10.05. A signed statement assuring that the proposed land disturbing activities will be done pursuant to the AESC plan. If the applicant is not the landowner, then both the applicant and the landowner must sign the form.

1060.10.06. For any project subject to the NPDES permit, the applicant may also be required to provide copies of documents such as the NPDES permit application and/or the permit modification form to demonstrate that proper NPDES permit coverage has been obtained.

(Am. Ord. 2009-05, passed 12-7-09)

1060.11 Change to Plans. All changes or modifications to an approved PESC or AESC plan must adhere to the following conditions:

1060.11.01. If site inspections reveal that the BMPs included in an approved PESC or AESC plan are not effective or are inadequate, then the plan must be amended to include additional or modified BMPs. Such changes must be documented in written form, kept onsite and provided to the Erosion Control Inspector upon request.

1060.11.02. If work is not being done in conformance with an approved PESC or AESC plan due to delays in obtaining materials, machinery, services or manpower necessary to implement the plan as scheduled, the permittee shall notify the Issuing Authority.

1060.11.03. Requests for major modifications to an approved PESC or AESC plan, as determined by the Issuing Authority, must be submitted in writing to the Issuing Authority for review and approval.

(Am. Ord. 2009-05, passed 12-7-09)

1060.12 Best Management Practices. Best management practices (BMPs) for erosion and sediment control must be implemented throughout construction in accordance with the approved PESC or AESC plan. The BMPs identified in the PESC or AESC plan must be selected, installed and maintained in an appropriate and functional manner that is in accordance with relevant manufacturer specifications, accepted engineering practices and the requirements of this section. The BMPs employed must be adequate to prevent transportation of sediment from the site.

1060.12.01. Erosion Prevention Practices.

1060.12.01.01. The area of disturbance shall be minimized to the extent possible.

1060.12.01.02. The permittee must plan for and implement appropriate construction phasing, vegetative buffer strips, horizontal slope grading and other construction practices that minimize erosion. The location of areas not to be disturbed must be delineated (e.g. with flags, stakes, signs, silt fence, etc.) on the development site before work begins.

1060.12.01.03. All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than seven days after the construction activity in that portion of the

site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement.

1060.12.01.04. Any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization must be completed within 24 hours after connecting to a surface water.

1060.12.01.05. Pipe outlets must be stabilized with temporary or permanent measures adequate to prevent erosion and scouring within 24 hours after connection to a surface water.

1060.12.02. Sediment Control Practices.

1060.12.02.01. Sediment control practices must be established on all down gradient perimeters before any up gradient land disturbing activities begin. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed. These practices shall remain in place until final stabilization has been established.

1060.12.02.02. Sediment control practices must minimize sediment from entering adjacent properties and surface waters, including curb and gutter systems and storm sewer inlets.

1060.12.02.02.01. Temporary or permanent drainage ditches and sediment basins that are designed as part of a sediment containment system (e.g., ditches with rock check dams) require sediment control practices only as appropriate for site conditions.

1060.12.02.02.02. If the down gradient treatment system is overloaded, additional upgradient sediment control practices or redundant BMPs must be installed to eliminate the overloading.

1060.12.02.02.03. In order to maintain sheet flow and minimize rills and/or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 1:3 (vertical: horizontal), or steeper.

1060.12.02.02.04. Redundant sediment controls, with a ten-foot undisturbed vegetative buffer strip in between, may be required at the base of any disturbed slope and/or stockpile in the project area that is immediately adjacent to a wetland or other sensitive surface water.

1060.12.02.03. The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as clearing or grubbing, or passage of vehicles. Any short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.

1060.12.02.04. All storm drain inlets must be protected during construction until all sources with potential for discharging to the inlet have been stabilized. Inlet protection may be removed for a particular inlet if a specific safety concern (street flooding/freezing) has been identified and approved by the Erosion Control Inspector.

1060.12.02.05. Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater. Redundant controls may be required if a stockpile is positioned immediately adjacent to a wetland or other sensitive surface water.

1060.12.02.06. Vehicle tracking of sediment from the construction site (or onto streets within the site) must be minimized by the use of measures such as stone pads, concrete or steel wash racks, or equivalent systems at the designated construction site access road. Street sweeping must be used if such practices are not adequate to prevent sediment from being tracked onto the street. Tracked sediment must be removed from all paved surfaces within 24 hours of discovery.

1060.12.02.07. Adequate control measures are required for discharge water that contains suspended solids. All water from dewatering or basin draining activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or adverse impacts to wetlands.

1060.12.02.08. For projects covered by an NPDES permit, temporary sedimentation basins must be installed in accordance with Part III.B of the permit.

1060.12.02.09. Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may require additional safety related devices.

1060.12.03. Non-Sediment Pollutant Controls. No solid or liquid waste, including building materials, shall be discharged from the construction site into stormwater runoff. The permittee must implement appropriate management practices to prevent toxic materials, hazardous materials or other debris from entering streets, storm sewers, ditches, streams, wetlands and other surface waters.

1060.12.03.01. Solid Waste Materials. All solid waste materials, including asphalt, sediment, garbage, plastic, plaster, drywall, fabric, grout, gypsum and any other construction or demolition debris must be managed to prevent flow obstructions and off-site discharges. Disposal shall be in accordance with state regulations.

1060.12.03.02. Concrete Washout. On-site concrete washout materials must be fully contained and limited to a designated area. The washing of concrete material into a street, catch basin or other public facility or natural resource is prohibited. Disposal shall be in accordance with state regulations.

1060.12.03.03. Toxic or Hazardous Waste Materials. Oil, gasoline, paint and any other toxic or hazardous substances shall be stored in a manner to prevent spills, leaks or other discharges. Disposal shall be in compliance with state regulations.

1060.12.04. Inspections and Maintenance. The permittee, landowner or his or her agent shall make regular inspections of all erosion and sediment control BMPs to determine their overall effectiveness, the need for maintenance and need for additional control measures. All nonfunctional BMPs must be repaired, replaced or supplemented with functional BMPs at the cost and expense of the permittee or landowner as the case may be. All inspections and maintenance shall be documented in written form, kept on-site and provided to the Erosion Control Inspector upon request.

1060.12.04.01. The entire construction site must be routinely inspected at least once every seven days during active construction and within 24 hours after a rainfall event greater than one-half inch in 24 hours. Following an inspection which occurs within 24 hours after a rainfall event, the next inspection must be conducted within seven days after that.

1060.12.04.02. Silt fences must be repaired, replaced or supplemented when they become non-functional or the sediment reaches one-third of the height of the fence. Repairs must be made within 24 hours after discovery, or as soon as field conditions allow.

1060.12.04.03. Temporary or permanent sedimentation basins must be drained and sediment removed when the depth of sediment collected in the basin reaches one-half the storage volume.

1060.12.04.04. Surface waters, including drainage ditches and conveyance systems must be inspected for evidence of erosion and sediment deposition. Deposited sediments must be removed.

1060.12.04.05. Infiltration areas must be inspected to ensure that no sediment from the construction activity is reaching the infiltration area and that the area is protected from compaction from construction equipment.

1060.12.04.06. If sediment escapes the construction site, off-site accumulations must be removed in a manner and at a frequency sufficient to minimize off-site impacts.

1060.12.04.07. Temporary stabilization measures must be maintained and enhanced as needed to limit soil erosion until final stabilization has been established in accordance with Section 1060.12.05. Uniform coverage must be maintained on all disturbed areas, leaving no bare soil exposed.

1060.12.04.08. After construction is complete, the landowner, permittee or their agent shall continue to regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

(Am. Ord. 2009-05, passed 12-7-09)

1060.12.05. Final Stabilization.

1060.12.05.01. To achieve final stabilization after completion of land disturbance activities, all soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

1060.12.05.02. Temporary, synthetic sediment control devices must be removed after vegetation is established.

1060.12.05.03. The permanent stormwater management system must be fully functional and in conformance with the requirements of Section [1080](#) of the Hermantown City Code and the NPDES permit. Sediments shall be removed from retention basins as needed to restore the basins to their original design capacity.

(Am. Ord. 2009-05, passed 12-7-09)

1060.13 Land Alteration Permit Required. Except as exempted in Section 1060.05, no person may authorize or engage in any of the following land disturbance activities without first obtaining a land alteration permit from the Zoning Director, unless that same activity is already authorized by an active building permit, commercial development permit or another permit issued by the City.

1060.13.01. Placement of 75 or more cubic yards of fill material on any site, regardless of the size of the area disturbed.

1060.13.02. Any land disturbance activity impacting one-half or more acre(s).

1060.13.03. Any land disturbance activity impacting less than one-half acre, if the Zoning Director determines that a PESC or AESC plan is needed to protect life or limb, protect the property of another, protect the safety, use, slope or soil stability of a public road, protect wetland(s) or watercourse(s) or otherwise protect the health, safety and general welfare of the public.

1060.13.04. Placement of less than 75 cubic yards of fill material, if the Zoning Director determines that a PESC or AESC plan is needed to protect life or limb, protect the property of another, protect the safety, use, slope or soil stability of a public road, protect wetland(s) or watercourse(s) or otherwise protect the health, safety and general welfare of the public.

(Am. Ord. 2009-05, passed 12-7-09)

1060.14 Land Disturbances in Wetlands, Shorelands and Floodplain Areas. The exemptions and conditions for obtaining land alteration permits issued under this Section [1060](#) apply only to upland sites. Any land disturbance activity within a designated wetland, shoreland area or floodplain management area, regardless of the area disturbed or the quantity of fill material placed, must be carried out in accordance with all applicable zoning restrictions and regulations.

(Am. Ord. 2009-05, passed 12-7-09)

1060.15 Permit Duration. Land alteration permits issued under this Section [1060](#) shall be valid for the period during which the proposed land disturbance activity takes place or is scheduled to take place, whichever is shorter, but in no event shall such a permit be valid for more than one year.

1060.15.01. Permit Renewals/Extensions. The permittee shall fully perform and complete all of the work required in the sequence shown on the PESC or AESC plan within the time limit specified in the permit. Prior to the expiration of a permit issued under this Section 1060, the permittee may present a written request for an extension to the Issuing Authority. If, in the opinion of the Issuing Authority, an extension is warranted, a one-time no fee extension, not to exceed one year, may be granted. The Issuing Authority may authorize additional extensions for a period to be determined by the Issuing Authority for a fee determined from time to time by the City Council.

(Am. Ord. 2009-05, passed 12-7-09)

1060.16 Conditions of Approval. In granting any permit pursuant to Section [1060](#), the Issuing Authority may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

1060.16.01. The granting (or securing from others) and the recording in St. Louis County land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities.

1060.16.02. Adequate control of dust by watering, or other control methods acceptable to the Issuing Authority, and in conformance with applicable air pollution ordinances.

1060.16.03. Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under Section [1060](#) for new grading, drainage and erosion control.

1060.16.04. Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety related devices.

(Am. Ord. 2009-05, passed 12-7-09)

1060.17 City Inspections. The City may carry out scheduled and/or random inspections at any land disturbance site throughout the duration of the project and until final stabilization is achieved as deemed necessary to determine compliance with the an approved PESC or AESC plan and other provisions of Section [1060](#).

1060.17.01. In making application for a permit from the City for any project requiring a PESC or AESC plan, the landowner performing or allowing such work consents to the Erosion Control Inspector having the right to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. This does not include consent to enter into any building which is completed and which has been secured, but does include consent to inspect any area of the site where land disturbance activity is occurring or is thought to be planned at the project site.

1060.17.02. When deemed necessary by the Issuing Authority, on-site inspection and approval of installed sediment controls may be required before up gradient land disturbing activities can begin.

1060.17.03. For projects where a security is required, the Erosion Control Inspector shall complete a final inspection with the permittee and/or the permittee's representative to assess whether all requirements for final stabilization have been met, in accordance with Section 1060.12.05. Within seven days of the inspection, the Erosion Control Inspector will issue a written notice to the permittee as to whether all requirements for final stabilization have been met. If all requirements have not been met, the notice will include a detailed description of what needs to be accomplished in order to achieve final stabilization. The security shall be released only when all requirements for final stabilization have been met.

(Am. Ord. 2009-05, passed 12-7-09)

1060.18 Security. An applicant who is required to submit a PESC plan is also required to file with the City a bond, letter of credit or other surety to insure compliance with the approved plan. The amount of the surety shall be equal to the estimated cost of implementing the entire PESC plan, from beginning to end (including cost of materials, installation, inspection and maintenance), plus 25%. The form of such surety shall be subject to approval by the City Attorney.

1060.18.01. No security will be released until a final inspection has been conducted and the Erosion Control Inspector confirms in writing that final stabilization has been achieved, in accordance with Section 1060.17.03.

(Am. Ord. 2009-05, passed 12-7-09)

1060.19 Permittee Responsibility. The permittee, his or her agent, contractors and employees shall carry out the proposed work in accordance with the requirements of Section [1060](#) and the approved PESC or AESC plan at all times. The design, testing, installation and maintenance of erosion and sediment control operations and facilities shall adhere to the standards and specifications contained in the approved PESC or AESC plan.

1060.19.01. A copy of the approved PESC or AESC plan and inspection records shall be on-site and available for inspection during all working hours.

1060.19.02. The permittee shall take action as needed to prevent soils from being deposited onto adjacent properties, rights-of-way, public storm drainage systems, wetlands or watercourses.

1060.19.03. Notwithstanding other conditions or provisions of a City-issued permit, or the minimum standards set forth in this Section [1060](#), the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.

(Am. Ord. 2009-05, passed 12-7-09)

1060.20 Action Upon Noncompliance.

1060.20.01. Notice of Violation. In the event work does not conform to Section [1060](#) or to an approved PESC or AESC plan or to any instructions of the Erosion Control Inspector, compliance may be ordered by written notice of violation to the violator and/or to the landowner. Failure to address a notice of violation in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this section. In the case of work for which there is a permit, the notice of violation shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, the notice of violation shall be mailed to the person(s) listed as the taxpayer and/or landowner by the records of the St. Louis County Auditor. After a notice of violation is given, the landowner, permittee or his or her contractor shall be required to make the corrections within the time period determined by the Issuing Authority. If an imminent hazard exists, the Erosion Control Inspector may require that the corrective work begin immediately. The notice of violation shall contain:

1060.20.01.01. The name and address of the landowner and/or to the violator;

1060.20.01.02. The address when available or a description of the building, structure or land upon which the violation is occurring;

1060.20.01.03. A statement specifying the nature of the violation;

1060.20.01.04. A description of the remedial measures necessary to achieve compliance with this section and a deadline for the completion of such remedial action;

1060.20.01.05. A statement advising that, should the violation not be remedied or restored within the established deadline, the work may be done by the City or a contractor, and the expense thereof shall be charged to the land, landowner and/or violator; and

1060.20.01.06. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed or against the land upon which the violation is originating or occurring.

1060.20.02. Stop Work Order. The Erosion Control Inspector may issue a stop work order for the entire project or any specified part thereof when an imminent hazard exists and/or for failure to comply with the requirements set forth in a notice of violation. Upon issuance of a stop work order, all work must stop immediately except that work which is required to attain compliance with Section [1060](#). A stop work order shall remain in effect until the Erosion Control Inspector confirms that the land disturbance activity is in compliance and the violation has been satisfactorily addressed.

1060.20.02.01. For the purposes of this section, a stop work order is validly posted by posting a copy of the stop work order on the site of the land disturbance activity in reasonable proximity to a location where the land disturbance activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person(s) listed as the taxpayer and/or landowner by the records of the St. Louis County Auditor.

1060.20.03. Enforcement Measures. If a violation has not been corrected pursuant to the requirements set forth in the notice of violation and/or stop work order, then representatives of the City may take any and all measures necessary to abate the violation and/or restore the land. It shall be unlawful for any person, landowner, agent or person in possession of any land to refuse to allow the government agency or designated representative to enter upon the land for the purposes set forth above. The remedies available to the City shall include:

1060.20.03.01. Criminal prosecution;

1060.20.03.02. Injunctive relief pursuant to Section 1060.20.05 of this section;

1060.20.03.03. Collection of administrative and remediation costs, including attorney's fees, court costs, labor, use of equipment, sampling and monitoring costs and other expenses associated with enforcement of this section;

1060.20.03.04. Imposition of costs of abatement pursuant to Section 1060.20.04 of this section;

1060.20.03.05. Immediate revocation of and/or suspension of the processing of any and all City permits for which the landowner or violator has applied, even if the permits are not connected to the land where the violation is occurring;

1060.20.03.06. Suspension of City sewer and water services at the property where the violation is occurring;

1060.20.03.07. Withholding of the certificate of occupancy for the property where the violation is occurring; and

1060.20.03.08. Enforcing the provisions of Section 1060.20.06 of this section.

1060.20.04. Abatement of Violation. If a violation continues for ten days beyond the deadline set forth in the notice of violation and/or stop work order, the Issuing Authority may issue a notice of intent to the landowner and/or violator of the City's intent to perform work necessary to comply with Section [1060](#). The City may go on the site and commence work 14 days after issuing the notice of intent. After abatement of the violation, the landowner and/or violator will be notified of the cost of abatement, including attorney's fees and administrative costs. The landowner and/or violator may file a written protest objecting to the amount of the assessment within ten calendar days with the City Clerk. The costs incurred by the Issuing Authority to perform the abatement work shall be paid by the landowner out of the security referenced in Section 1060.18, to the extent that the amount is covered thereby, with the remainder being directly due and owing to the City by the landowner and/or violator. In the event no permit was issued or no security was posted, the cost, plus interest at the rate authorized by the Issuing Authority, plus a reasonable administrative fee shall be billed to the landowner and/or violator. If in any event the amount due is not paid by the deadline set forth by the decision of the City Council, then the City Clerk shall enter the amount due on the tax roll and collect as a special assessment against the property using the procedures contained in applicable City codes and state law or may collect such amount in whatever manner is allowed or permitted by law.

1060.20.05. Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with a notice of violation, a stop work order or any requirement of this Section [1060](#). If a person has violated or continues to violate the provisions of this section, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

1060.20.06. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's and/or landowner's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

1060.20.07. Criminal Prosecution. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of Section [1060](#) shall be guilty of a misdemeanor. Each day there is a violation of any part of Section [1060](#) shall constitute a separate offense.

1060.20.08. Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Hermantown to seek cumulative remedies.

(Am. Ord. 2009-05, passed 12-7-09)

Section 1080 - Control of Post-Construction Stormwater Runoff

1080.01 Purpose. The purpose of this section is to establish minimum post- construction stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public. This section seeks to meet that purpose through the following objectives:

1080.01.01. To minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, and stream bank erosion and maintain the integrity of stream channels.

1080.01.02. To minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.

1080.01.03. To minimize the total annual volume of surface water runoff which flows from any specific site during and following development.

1080.01.04. To minimize temperature increases in trout streams caused by stormwater runoff from development.

1080.01.05. To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and pose no threat to public safety.

(Ord. 2008-06, passed 6-16-08)

1080.02 Applicability. Unless eligible for an exemption under Section 1080.06, the requirements set forth by Section [1080](#) apply to:

1080.02.01. New development projects;

1080.02.02. Redevelopment; and

1080.02.03. Existing Stormwater management facilities constructed prior to the effective date of this section are subject to the inspection, maintenance, and repair requirements set forth in Section 1080.11 and the enforcement and penalties set forth in Section 1080.12.

(Ord. 2008-06, passed 6-16-08)

1080.03 Relationship to Other Laws, Ordinances and Private Agreements.

1080.03.01 Compatibility with Other Laws and Ordinances. This section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any

other ordinance, rule or regulation, or other provision of law, whichever provisions impose higher protective standards for human health, safety or general welfare or the environment shall be considered to take precedence.

1080.03.02 Private Agreements. This section is not intended to revoke, repeal or modify any easement, covenant, or other private agreement. The existence of any private agreement, easement or covenant does not preclude the application of this section.

(Ord. 2008-06, passed 6-16-08)

1080.04 Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this section shall be judged invalid by a court of competent jurisdiction such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this section.

(Ord. 2008-06, passed 6-16-08)

1080.05 Definitions. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

1080.05.01. "Accelerated Erosion" means erosion caused by construction activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

1080.05.02. "Applicant" means a landowner or agent of a landowner who has filed an application for a new development or redevelopment that requires a Stormwater Certificate.

1080.05.03. "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

1080.05.04. "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

1080.05.05 "Construction General Permit" is the Minnesota Pollution Control Agency's general permit to discharge stormwater associated with construction activity under the National Pollutant Discharge Elimination System.

1080.05.06. "Detention" means the temporary storage of storm runoff in a Stormwater management facility with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

1080.05.07. "Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

1080.05.08. "Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

1080.05.09. "Hotspot" means an area where land use or activities generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in stormwater runoff.

1080.05.10. "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

1080.05.11. "Infiltration" means the process of percolating stormwater into the subsoil.

1080.05.12. "Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface.

1080.05.13. "Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

1080.05.14. "Land Disturbance Activity" means any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Hermantown, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting soil, filling of land, and soil storage on land.

1080.05.15. "Landowner" means the legal or beneficial owner of land.

1080.05.16. "Minnesota Stormwater Manual" or "Manual" is the most current version of the Minnesota Pollution Control Agency's publication entitled Minnesota Stormwater Manual. The Manual includes a list of acceptable stormwater management facilities, including design criteria and operation and maintenance requirements for each.

1080.05.17. "National Pollutant Discharge Elimination System (NPDES) Permit" is a permit issued by the U.S. Environmental Protection Agency (or the State of Minnesota under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

1080.05.18. "New Development" means any construction activity that creates 21,780 square feet or more of impervious surface and smaller construction activities if such activities are part of a larger common plan of development that will create 21,780 square feet or more of impervious surface, even though multiple separate and distinct land disturbance activities may take place at

different times on different schedules. Construction activities creating less than 21,780 square feet of impervious surface shall be subject to the requirements of this section when it is deemed necessary to achieve the objectives set forth in Sections 1080.01.01 through 1080.01.05, as determined by the City through a representative designated by the City Administrator.

1080.05.19. "Nonpoint Source Pollution" means pollution from any source other than from any discernible, confined and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

1080.05.20. "Off-Site Stormwater Facility" means a stormwater management practice located outside the subject property boundary described in the permit application for a new development or redevelopment project.

1080.05.21. "On-Site Stormwater Facility" means a stormwater management facility located within the subject property boundary described in the permit application for new development or redevelopment.

1080.05.22. "Redevelopment" means any land disturbance activity that results in the creation, addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site that has 21,780 square feet or more of impervious surface. Even those areas that are not directly impacted during construction but which are fundamental to the desired land use, such as an existing parking lot, shall be considered for purposes of computing the existing impervious surface. A redevelopment activity on a site having less than 21,780 square feet of impervious surface shall be subject to the requirements of this section where it is deemed necessary to achieve the objectives set forth in Sections 1080.01.01 through 1080.01.05, as determined by the City's designated representative. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area when replacement is not part of routine maintenance; and land disturbance activities related to structural or impervious surfaces. It does not include: routine exterior maintenance of building structures such as painting, roof replacement, siding replacement; resurfacing an existing blacktop parking lot, nor does it include emergency construction activities required to immediately protect public health and safety.

1080.05.23. "Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.

1080.05.24. "Stormwater Management Facilities" or "Stormwater Management Practices" are structural or non-structural features that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

1080.05.25. "Stormwater Certificate" means a certificate issued by the City of Hermantown indicating that the Stormwater Management Plan for a new development or redevelopment has been reviewed and approved.

1080.05.25. "Stormwater Runoff" means flow on the surface of the ground, resulting from precipitation or snowmelt.

1080.05.26. "Water Quality Volume" is the volume of stormwater runoff from a new development or redevelopment site that must be captured and treated by a stormwater management facility.

1080.05.27. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(Ord. 2008-06, passed 6-16-08)

1080.06 Exemptions to Stormwater Management Requirements.

1080.06.01. Repairs, replacements and maintenance to any stormwater management facility deemed necessary by the City of Hermantown.

1080.06.02. Construction, repairs, replacements and improvements to public roads, ditches and utilities, and other public improvements by governmental entities.

(Ord. 2008-06, passed 6-16-08)

1080.07 Minimum Stormwater Management Requirements.

1080.07.01. Stormwater runoff from new development and redevelopment sites must be treated by one of the methods outlined in Part 111.0 of the current Construction General Permit, for example: wet sedimentation basins, infiltration/filtration facilities, regional ponds, a combination of practices, or an alternate approved method.

1080.07.02. All stormwater management facilities shall be designed, constructed, and maintained in accordance with the most current technology and methods available, such as reflected in the most current version of the Minnesota Stormwater Manual, or another source approved by the City of Hermantown.

1080.07.03. Stormwater runoff generated from new development and redevelopment activities shall not be discharged into a jurisdictional wetland or water body without first receiving adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of Hermantown.

1080.07.04. For new development activities, a water quality volume of one inch of runoff from the new impervious surface created at the new development site shall be treated by a stormwater management facility. The sizing of facility shall be calculated using MPCA Rule 2 for ponds and Rule 4 for non-ponds, as referenced in the Minnesota Stormwater Manual, Chapter 10, where the water quality volume (in acre-feet) is equal to 1.0 inches times the area of impervious surface (in acres) divided by 12.

1080.07.05. For redevelopment activities:

1080.07.05.01. The area of previously existing impervious surface shall be reduced by a minimum of 20%. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide qualitative control for a water quality volume of one inch of runoff from a minimum of 20% of the project's existing impervious surface area. When a combination of impervious area reduction and stormwater management practice implementation is used, the combined reduction and treated areas shall be equal to, or exceed, 20% of the existing impervious surface.

1080.07.05.02. A water quality volume of one inch of runoff from newly created impervious surface area at the site shall be treated by a stormwater management facility.

1080.07.05.03. Impervious surface reduction areas and/or stormwater management facilities shall be positioned to maximize benefits to receiving waters.

1080.07.06. All stormwater management facilities shall be designed to prevent damage to immediately adjacent downstream property or facilities from the peak flow discharge from a 100-year, 24-hour event.

1080.07.07. All stormwater management facilities shall include an appropriate form of pretreatment, in accordance with the methods described in the Minnesota Stormwater Manual, Chapter 12. Pre-treatment features may include, but are not limited to: forebays, filter strips, vegetated swales, proprietary settling chambers, and rain gardens.

1080.07.08. For all commercial or industrial developments and all other uses where there is significant potential for pollution by oil or grease, or both, exists, the first one inch of runoff must be treated to remove oil and grease. This requirement may be waived by the City's designated representative if it is determined that installation of such practices is not necessary.

1080.07.09. Any project that discharges within one mile of and flows to a designated trout stream, as listed in Minnesota Rule 6264.0050, subpart 4, must implement infiltration and temperature control measures for the protection of trout streams, in accordance with Appendix A of the MPCA's Construction General Permit. These requirements apply to whatever volume of stormwater requires treatment under Sections 1080.07.04 and 1080.07.05.

1080.07.09.01 Infiltration. Where site conditions allow, at least half of the water quality volume requiring treatment must be infiltrated.

1080.07.09.02 Temperature Controls. The stormwater management facility must be designed such that the discharge from the site will minimize any increase in the temperature of trout stream receiving waters resulting from the one, and two-year 24-hour precipitation events. Sites that discharge to trout streams must minimize the impact using one or more of the following measures in order of preference:

1080.07.09.02.01. Minimize new impervious surfaces.

1080.07.09.02.02. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales and through the use of other nonstructural controls.

1080.07.09.02.03. Infiltration or evapotranspiration of runoff in excess of pre-development conditions (up to the two-year 24-hour precipitation event).

1080.07.09.02.04. If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increases. The pond should be designed to draw down in 24 hours or less.

1080.07.09.02.05. Other methods that will minimize any increase in the temperature of the trout stream.

1080.07.10. Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specialized structural stormwater management facilities and pollution prevention practices.

1080.07.11 Amendment of Fee Schedule.

Application fee: \$450.00

Recording fee: \$60.00

Complex Project Review Fee: In addition to the above-described fees, the City will charge and additional fee in an amount equal to the out-of-pocket expenses, including engineering fees and attorneys fees, incurred by the City in connection with the review and consideration of complex and time intensive projects.

(Ord. 2008-06, passed 6-16-08; Am. Ord. 2008-07, passed 7-21-08)

1080.08 Requirements and Procedures for Stormwater Management Plan Approval.

1080.08.01 Stormwater Management Concept Plan. No application for new development or redevelopment shall be approved by the Planning Commission unless it includes a stormwater management concept plan detailing how stormwater runoff from the site will be managed. The concept plan shall be submitted with the application and shall provide enough detail to demonstrate that the applicant is sufficiently accounting for management of stormwater runoff from the proposed development. The concept plan, at a minimum, shall include the following:

1080.08.01.01. Calculation of the water quality volume requiring treatment, in accordance with Sections 1080.07.04 and 1080.07.05.

1080.08.01.02. A description the type of proposed stormwater management facilities.

1080.08.01.03. General locations and sizes of all stormwater facilities, including inlets and outlets.

1080.08.01.04. A description of where runoff discharge from the site will be directed (e.g., ditch, wetland, stream).

1080.08.01.05. Distance of direct and indirect stormwater discharges from the development to designated trout streams.

1080.08.01.05.01. If stormwater discharge from the development is within one mile of a trout stream and flows to that trout stream, a description of proposed measures for protecting the trout stream(s) shall be provided.

1080.08.01.06. If the proposed stormwater facilities are dependent upon specific soil conditions, a detailed description of soils shall be provided.

1080.08.01.07. Description and locations of proposed drainage/conveyance systems (e.g., sheet flow, open swales, pipes, etc.).

1080.08.01.08. If the applicant is not the landowner, the landowner's written consent is also required.

1080.08.02 Final Stormwater Management Plan. The final Stormwater Management Plan shall provide sufficient engineering detail to demonstrate that the proposed stormwater management facilities are capable of controlling runoff from the site in compliance with this section. All plans, specifications and computations included in the final Stormwater Management Plan shall be prepared and certified by a professional engineer who is licensed in the State of Minnesota who maintains professional liability insurance in an amount of \$500,000.00 and who provides a certificate of such coverage to the City with the final Stormwater Management Plan. Two copies of the certified plans shall be submitted to the City for review and approval, in accordance with Section 1080.08.04.

The final Stormwater Management Plan shall include the following:

1080.08.02.01. The name, address and telephone number of the:

1080.08.02.01.01 Applicant.

1080.08.02.01.02 Landowner.

1080.08.02.01.02.01. If the landowner is not the applicant, then the landowner's written consent is also required.

1080.08.02.01.03. Person responsible for the preparation of the Stormwater Management Plan.

1080.08.02.02. A project description that includes the nature and purpose of the construction activity, the amount of land disturbance activity, utilities, and building construction involved and the location of the project.

1080.08.02.03. A map of the existing site conditions that includes existing topography, property information, steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover and one hundred-year flood plain boundaries.

1080.08.02.04. Location of temporary and permanent stormwater management facilities.

1080.08.02.05. Standard plates and/or specifications for all stormwater management facilities, including wet sedimentation basins, infiltration/filtration facilities, underground storage tanks, pre-treatment systems, inlets, outlets, filters, conveyance systems, and any other structure intended to capture, convey, or treat stormwater runoff from the site.

1080.08.02.06. Calculations that were made for the design and sizing of all stormwater facilities, including, but not limited to: water quality volume, storage capacity, filtration rate, discharge rate, and detention time.

1080.08.02.07. Calculations and any other information used in evaluating the 100-year, 24-hour storm event sufficient to demonstrate that no damage will occur to adjacent downstream properties.

1080.08.02.08. If the project discharges within one mile of a designated trout stream and flows to that trout stream, a description of infiltration and temperature control measures for trout stream protection.

1080.08.02.09 Location of streams. Lakes or wetlands that may be impacted by the construction activity.

1080.08.02.10. Provisions for preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands and lakes.

1080.08.02.11. Erosion and sediment control plans for all construction activities related to implementing any stormwater management facilities, including establishment of vegetation.

1080.08.02.12. The legal description of the land upon which the new development or redevelopment is proposed to occur and title evidence indicating the landowner of the land.

1080.08.03 Stormwater Certificate Required. A City of Hermantown Stormwater Certificate is required for all new development and redevelopment activities subject to this section. No land shall be cleared, graded, or altered in any manner until a Stormwater Certificate is issued for the development or redevelopment.

1080.08.03.01. The applicant shall obtain the necessary development permit or approvals from the Planning Commission or City Council prior to application for a Stormwater Certificate.

1080.08.03.02. No building permits shall be granted for the development or redevelopment until after a Stormwater Certificate is issued.

1080.08.03.03. The approved Stormwater Certificate shall be promptly recorded at the expense of the Applicant by the City Clerk with the appropriate land title recording office after it is issued.

1080.08.04 Application for a Stormwater Certificate. To obtain a Stormwater Certificate, the applicant must submit a complete application for review and approval. A complete application must contain the following materials:

1080.08.04.01 Application Form. The applicant must complete and submit an Application for a Stormwater Certificate on a form provided by the City for that purpose.

1080.08.04.02 Liability Insurance Certificate. Applicant shall have Applicant's Engineer provide the City with a Certificate evidencing that Applicant's Engineer has professional liability insurance covering its work on the stormwater management facilities and any Certification required to be provided by Applicant's Engineer pursuant to this section hereof, naming the City as Certificate holder. Such insurance shall provide professional liability limits of at least \$500,000.00. The Certification provided to the City shall indicate that the insurance coverage evidenced by such Certificate shall not be cancelled, materially altered or not renewed without the City receiving 30 days prior written notice of such cancellation, alteration or non-renewal. Applicant shall be in default hereunder if Applicant's Engineer fails to have in effect the insurance coverage required by this Section prior to the completion of the Applicant's Engineer's obligations under this section.

1080.08.04.03 Final Stormwater Management Plan. Two copies of the certified final Stormwater Management Plan, prepared in accordance with Section 1080.08.02, shall be submitted for review and approval.

1080.08.04.04 Maintenance Plan. The applicant shall submit a detailed plan for the long-term inspection and maintenance of the stormwater management facilities. The plan must identify the parts or components of the stormwater management facilities that need to be maintained, the equipment and skills or training necessary to perform maintenance, and a schedule for periodic inspections and maintenance. Vegetation management must also be addressed in the maintenance plan, including what measures will be employed to ensure that adequate cover is preserved. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must also be included.

1080.08.04.05 Performance Bond/Security. The City shall require the submittal of a performance security or bond prior to issuance of a Stormwater Certificate in order to insure that the stormwater management facilities are installed by the applicant as required by an approved Stormwater Management Plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management facilities, plus 25%.

The performance security shall contain forfeiture provisions for failure to complete work specified in the Stormwater Management Plan.

1080.08.04.06 Review Fee. A non-refundable review fee in an amount determined from time to time by the City Council shall be submitted at the time of application for a Stormwater Certificate.

1080.08.05 Review of Application for a Stormwater Certificate.

1080.08.05.01. Within 15 days of the receipt of an application for a Stormwater Certificate, the City shall determine whether the application is complete.

1080.08.05.01.01. If an application is incomplete, the City shall notify the applicant in writing what is required to make the application complete, and a deadline shall be provided. The application shall not be considered complete until the day all required materials are received.

1080.08.05.02. Complete applications shall be reviewed by the City and shall be approved or disapproved within 60 days of the receipt of the complete application.

1080.08.05.02.01. If an application is approved, a Stormwater Certificate shall be issued to the applicant.

1080.08.05.02.02. If an application is disapproved, the City shall notify the applicant in writing, stating the reasons why the application was not approved.

1080.08.05.02.03. If an application is disapproved, the applicant may submit a revised application for review and approval. The City shall have 60 days from the date the revised application is received to approve or disapprove the application.

(Ord. 2008-06, passed 6-16-08)

1080.09 Modification of Plans. An approved Stormwater Management Plan may be modified upon submission of a written request for modification to the City, and after written approval by the City. In reviewing the modification request, the City may require additional reports and data. The modified plan should include all of the information listed in Section 1080.08.02.

(Ord. 2008-06, passed 6-16-08)

1080.10 Certification and As-Built Plans. Written certification by the Applicant's Engineer shall be submitted to the City after the stormwater management facilities have been installed, affirming that construction has been completed in accordance with the approved plans and other applicable provisions of this section. Certification must include a set of as-built drawings with final design specifications for all stormwater management facilities.

1080.10.01. Performance securities or bonds shall not be released until the certified as-built plans are received and a final inspection by the City of Hermantown, or its representative, is conducted.

1080.10.02. Certificates of occupancy shall not be granted until the certified as-built plans are received and a final inspection by the City of Hermantown, or its representative, is conducted.

(Ord. 2008-06, passed 6-16-08)

1080.11 Inspection, Maintenance, and Repair of Stormwater Management Facilities.

1080.11.01 Inspection and Maintenance Requirements. It is the responsibility of the landowner, his/her/its successors and assigns, including any homeowners association, to provide for the ongoing inspection and maintenance of any on-site and/or off-site stormwater facilities that serve the new development or redevelopment project, in perpetuity. These requirements apply to the entire stormwater management facility, including, but not limited to, wet sedimentation basins, infiltration/filtration facilities, catch basins, inlet and outlet structures, forebays and other pre-treatment systems, berms, underground structures, drainage swales, pipes, conveyance channels, pumps, filters, and access roads.

1080.11.01.01. The landowner, his/her/its successors and assigns, shall routinely inspect the stormwater management facilities to assure safe and proper functioning. The results of the inspection shall be recorded, and any observed deficiencies shall be corrected in a timely manner.

1080.11.01.02. The landowner, his/her/its successors and assigns, shall perform whatever routine and/or extraordinary maintenance and repair work is necessary to keep the stormwater facilities in good working condition so that the facilities continually perform their original design functions.

1080.11.01.03. Required maintenance and repair may include, but is not limited to: mowing, debris and sediment removal, vegetation replacement, bank stabilization, filter replacement, and major structural repairs.

1080.11.01.04. In the event a maintenance schedule for the stormwater management facilities is outlined on the approved plans, the landowner, his/her/its successors and assigns, shall follow the schedule.

1080.11.01.05. The landowner, his/her/its successors and assigns, shall keep records of all inspections, maintenance and repairs of the stormwater facilities, and shall retain the records for at least six years. These records shall be made available to the City, its authorized agents and employees, at reasonable times upon request.

1080.11.02 City Inspection of Stormwater Management Facilities. City inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible

violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management facilities.

1080.11.03 Right-of-Entry for Inspection. When any stormwater management facility is installed on private property, or when any new connection is made between private property and a public drainage control system, the landowner shall grant to the City of Hermantown the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this section is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this section.

1080.11.03.01 Search Warrant. If the City has been refused access to a stormwater management facility on private property, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

1080.11.04 Failure to Maintain. If a landowner fails or refuses to comply with Section 1080.11, the city may pursue enforcement and penalties, in accordance with Section 1080.12.

(Ord. 2008-06, passed 6-16-08)

1080.12 Enforcement and Penalties.

1080.12.01 Notice of Violation. Whenever the City of Hermantown finds that a person has violated a prohibition or failed to meet a requirement of this Section, it may order compliance by written notice of violation to such person ("violation") and/or to the landowner. The notice of violation shall contain:

1080.12.01.01. The name and address of the landowner and/or to the violator;

1080.12.01.02. The address when available or a description of the building, structure or land upon which the violation is occurring;

1080.12.01.03. A statement specifying the nature of the violation;

1080.12.01.04. A description of the remedial measures necessary to achieve compliance with this section and a time schedule for the completion of such remedial action; and

1080.12.01.05. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed or against the land upon which the violation is originating or occurring.

1080.12.02 Abatement and Restoration. If abatement of a violation and/or restoration of affected land is required, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violation not be remedied or restored within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the land, landowner and/or violator.

1080.12.03 Stop Work Orders. Persons receiving a notice of violation may be required to halt all construction activities. This "stop work order" will be in effect until the City confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this section.

1080.12.04 Enforcement Measures. If a violation has not been corrected pursuant to the requirements set forth in the notice of violation, then representatives of the City may take any and all measures necessary to abate the violation and/or restore the land. It shall be unlawful for any person, owner, agent or person in possession of any land to refuse to allow the government agency or designated representative to enter upon the land for the purposes set forth above. The remedies available to the City, shall include:

1080.12.04.01. Criminal prosecution;

1080.12.04.02. Injunctive relief pursuant to Section 1080.12.06 of this section;

1080.12.04.03. Collection of administrative and remediation costs, including attorney's fees, court costs, labor, use of equipment, sampling and monitoring costs, and other expenses associated with enforcement of this section;

1080.12.04.04. Imposition of costs of abatement pursuant to Section 1080.12.05 of this section;

1080.12.04.05. Immediate suspension of the processing of any and all City permits for which the landowner or violator has applied, even if said permits are not connected to the land where the violation is occurring; and

1080.12.04.06. Enforcing the provisions of Section 1080.12.07 of this section.

1080.12.05 Cost of Abatement of the Violation. After abatement of the violation, the landowner and/or violator will be notified of the cost of abatement, including attorney's fees and administrative costs. The landowner and/or violator may file a written protest objecting to the amount of the assessment within ten calendar days with the City Clerk of the City. If the amount due is not paid by the deadline set forth by the decision of the City Council, the charges shall become a special assessment against the land and shall constitute a lien on the land for the amount of the assessment.

1080.12.06 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated or continues to violate the provisions of this section, the City of Hermantown may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

1080.12.07 Violations Deemed A Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's and/or landowner's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

1080.12.08 Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Hermantown to seek cumulative remedies.

(Ord. 2008-06, passed 6-16-08)

Office of City Clerk

Hermantown, MN

DEBORAH LUND, City Clerk

RESOLUTION NO. 2013-136

RESOLUTION AUTHORIZING AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT THE SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT APPLICATION TO THE MINNESOTA POLLUTION CONTROL AGENCY

Motion made by Councilor Koski, seconded by Councilor Nelson
to adopt Resolution 2013-136, Resolution Authorizing And
Directing The Community Development Director To Submit The
Small Municipal Separate Storm Sewer System Permit
Application To The Minnesota Pollution Control Agency. Roll
Call: Councilors Koski, Nelson, Tafs, Mayor Boucher, aye.
Councilor Geissler, absent. Motion carried.

I, Deborah Lund, City Clerk of the City of
Hermantown, Minnesota, do hereby certify
that I have compared the annexed copy of
Resolution passed by the City Council of
the City of Hermantown on the 16th
day of December 2013, with the
original in my custody as City Clerk of said
City, and that the same is a true and correct
transcript therefrom.

In Witness Whereof, I have hereunto set my
hand and affixed the corporate seal of said
City of Hermantown, the 17th day of
December 2013.

DEBORAH LUND, CITY CLERK

By 

City of Hermantown, MN

Resolution No. 2013-136

**RESOLUTION AUTHORIZING AND DIRECTING
THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT THE SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT APPLICATION TO
THE MINNESOTA POLLUTION CONTROL AGENCY**

WHEREAS, the Hermantown City Council is responsible for oversight, management, and maintenance of the City of Hermantown Separate Storm Sewer System; and

WHEREAS, the Hermantown City Council seeks to comply with the State of Minnesota rules and regulations for Small Municipal Separate Storm Sewer Systems ("Small MS4s"); and

WHEREAS, the State of Minnesota has issued a General Permit under which the City of Hermantown may apply to continue discharging stormwater and specific other discharges to waters of the state; and

WHEREAS, the City Council of the City of Hermantown seeks continued coverage under the General Permit for Small MS4s issued by the State of Minnesota's Pollution Control Agency.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hermantown, Minnesota as follows:

1. The application form for Small MS4s, including the Stormwater Pollution Prevention Program Document, is hereby approved.
2. The Community Development Director is hereby authorized and directed to submit the application to the Commissioner of the Minnesota Pollution Control Agency.

Councilor Koski introduced the foregoing resolution and moved its adoption.

The motion for the adoption of such resolution was seconded by Councilor Nelson, and upon a vote being taken thereon, the following voted in favor thereof:

Councilors Koski, Nelson, Tafs, Mayor Boucher, aye. Councilor Geissler absent

and the following voted in opposition thereto:

None

WHEREUPON, such resolution was declared duly passed and adopted.